



REQUEST FOR PROPOSAL

**Kentucky Employers' Mutual Insurance
Request for Proposals (RFP) No. 2026-107
Purpose: Legal Services – Claims Defense/Legal Counsel**

The procurement by competitive negotiation is desired by Kentucky Employers' Mutual Insurance (hereinafter "KEMI") for a Claims Defense/Legal Counsel.

Responses must be submitted electronically, in a single PDF document limited to 100MB, via KEMI's online procurement submission portal at: www.kemi.com/rfp

The online procurement submission portal utilizes a two-step process to upload responses. Vendors must complete the access request form by providing contact information and a valid email address. An access link will be sent to the email address provided. Vendors must then follow the access link to the proposal submission form.

Proposals must be submitted on or before: **12:00 PM Eastern Time on October 15, 2026**

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I. RFP SPECIFICATIONS

A. Purpose and Scope of Services

The purpose of this Request for Proposal (RFP) is to solicit proposals from qualified law firms to provide legal advice and representation to KEMI and its policyholders for:

- (1) Defense in state workers' compensation claims under KRS 342 including injury, communicable diseases, occupational diseases including, but not limited to, coal workers' pneumoconiosis and hearing loss (State WC), as well as Employers' Liability claims (AKA Part 2 Coverage);
- (2) Defense in Federal claim, primarily Federal Coal Mine Health and Safety Act (FBL), but also Longshore and Harbor Workers' Act and Jones Act; and
- (3) Subrogation.

Each applicant must indicate if they are applying for item(s) 1, 2 and/or 3. The scope of services may be expanded or contracted by agreement of the parties or in the discretion of KEMI.

Geographic regions of the state may be used for case assignments to one or more law firms. The number of firms selected to cover a geographic area may be based on claim concentration in that area. However, KEMI reserves the right, in its sole discretion, to assign cases independent of geographical distinctions alone.

B. Scoring

A committee will evaluate all responses to ascertain which Offeror(s) best meets KEMI's business needs and requirements based on the selection criteria below:

	Maximum Points Possible
Competence and abilities of the applying firm and the personnel the firm proposes to be utilized.	95
Business Continuity Form	5
MAXIMUM POINTS POSSIBLE	100
Interviews/Discussions, if selected	100
MAXIMUM POINTS POSSIBLE With Interviews/Discussions	200

C. Schedule of Events

The following schedule of events represents KEMI's best estimate of the schedule that shall be followed.



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KEMI, in its sole discretion, may alter and/or amend this schedule at any time, including not conducting virtual interviews/discussions. Any adjustments to the schedule of events will be emailed to the prospective offeror's contact on record with Sarah Kosin at rpf@kemi.com.

- RFP Publication Date – Wednesday, September 9, 2026
- Deadline for Inquiries – Wednesday, September 16, 2026
- KEMI Response to Inquiries – Wednesday, September 23, 2026
- Deadline for Submission of Proposals – Thursday, October 15, 2026
- Interview/Discussions (Optional) – November 2 -4, 2026
- Estimated Contract Award – January 1, 2027

II. PROPOSAL REQUIREMENTS

A. Competence and abilities of the applying firm and the personnel the firm proposes to be utilized

1. Identify if you are offering services for the defense of State WC, FBL and/or subrogation.
2. Firm name, address, satellite office addresses, telephone number, facsimile number, and website address, and the number of years the firm has been in business under the above name.
3. Total number of years in existence, description of ownership structure, number of partners, number of associates, and brief history of the firm.
4. The name, title, business address, telephone number, email address, resume, and years of legal experience, particularly defense of claims stemming from State WC, FBL and subrogation, of the individual who will be KEMI's principal contact for all aspects of this contract. This individual must be a member in good standing with his/her state bar association. This individual must have the ability to assume responsibility for making presentations to KEMI's Board of Directors.
5. The name, title, business address, telephone number, email address, resume, average caseload, and years of legal experience for each attorney who you propose to have handling matters assigned by KEMI. Provide relevant information regarding his/her experience in the defense of claims stemming from State WC, FBL as well as subrogation.
6. Description of the firm's experience in handling the defense of claims stemming from State WC, including the percentage of the firm's caseload for the same, and the current total caseload.
7. Description of the firm's experience in handling the defense of claims stemming from FBL, including the percentage of the firm's caseload for the same, and the current total caseload.
8. Description of the firm's experience in handling subrogation from State WC, including the percentage of the firm's caseload for the same, and the current total caseload.



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9. Description of the firm's handling of Plaintiffs' workers' compensation claims, if any, both State WC and FBL, including the percentage of the firm's caseload for the same, and the current total caseload.
10. Description of the firm's experience in handling the defense of: (a) Longshore and Harbor Workers' Act, (b) Jones Act, (c) Employers' Liability claims (AKA Part 2 Coverage), and (d) other related practice areas in Kentucky.
11. A listing of any other insurance carrier, group self-insurance funds, individual self-insured employers your firm represents in claims stemming from the:
 - (a) State WC;
 - (b) FBL,
 - (c) Subrogation.
12. Description of your quality control program and how it will assure KEMI will receive the highest quality service from your organization.
13. Detailed description of what can be expected from the interaction between KEMI staff and your firm including the related communication associated with all legal services performed.
14. Detailed description of your firm's use (current or anticipated) of any and all Artificial Intelligence products and/or services, as well as what controls you have, or will have, in place to prevent misuse or errors.
15. Detailed information regarding any lawsuits, regulatory action, complaints or proposed disciplinary action pending with the Kentucky Bar Association, or any other state bar association, filed against the firm or any of its current members, as well as any other attorney you propose in this RFP, within the last ten (10) years, including the allegations and the outcome.
16. Has there ever been an assessment of sanctions by any administrative body, administrative law judge, administrative appeal's board and/or the judiciary (interlocutory, on appeal, final or not) in the past ten years in a WC claim (assessed against one of your attorneys, your firm, the insurance carrier or your client)? If so, please explain, include a copy of the Opinion.
17. Description of any legal malpractice actions filed against the firm, including details of the claim and any monetary awards;
18. A listing of any Personal Service Contracts with any agencies of the Commonwealth of Kentucky you currently have or have had at any time during the past three (3) years.
19. Provide details on any mergers or acquisitions that you are currently committed to and the expected



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impact on services referenced by this RFP.

B. Business Continuity Form

1. Complete the Business Continuity Form, which is attached to this RFP, and return it as a separate attachment with your response. You must utilize the Business Continuity form for your answers.

C. References

Provide at least two (2) to three (3) executive-level client references, excluding those at KEMI, for which you have provided similar services as outlined in this RFP. You must include the client's name and address, as well as the name and phone number of a contact person. You may also include other references such as other businesses or other resources with whom you are associated and can provide a relevant, specific assessment of your qualifications to provide the services requested in this RFP.

III. INSTRUCTIONS

**READ ALL INSTRUCTIONS CAREFULLY.
FAILURE TO DO SO WILL BE AT THE OFFEROR'S RISK.**

- A. Proposals must set forth full, accurate, and complete information as required by this RFP. Failure to follow these requirements may be cause for rejection of the proposal.
- B. KEMI is not liable for any expenses incurred in the preparation and presentation of the proposal.
- C. The Offeror Form located in the addendum must be signed by the person submitting the proposal and must include the signee's printed or typed name, business address, email address, company website, telephone number, and date. This form must be submitted with your proposal.
- D. The Sworn Statement Regarding Campaign Finance Laws Form located in the addendum must be signed, notarized, and submitted with your proposal.
- E. The Mandatory Requirements Statement located in the addendum must be signed, attesting to compliance with KEMI's mandatory requirements for this RFP, and returned with your proposal.
- F. The Proposal Submission Checklist located in the addendum is included to ensure accurate and complete submissions.
- G. Proposals must be submitted electronically via KEMI's online submission portal as specified on the first page of this RFP. Unless stated otherwise in the RFP, it is **strongly preferred** that the entire proposal is submitted in a single PDF document. If separate attachments are also submitted, they must be clearly labeled and timely submitted. Please note that only a maximum of ten (10) attachments can be submitted through the online submission portal. The proposal must not contain hyperlinks; no material contained within a hyperlink will be considered. No other method of correspondence will be accepted.
- H. **The Proposal Deadline Date and Time are the date and time indicated on the first page of this RFP. The date and time that KEMI actually receives the proposal will determine whether the applicant has met the deadline for response.**



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- I. All inquiries concerning the form and method or specific services/products as well as requests for copies of the RFP must be made in writing to:

Sarah Kosin
rfp@kemi.com

Responses to inquiries will be shared with all potential Offerors having received a copy of this RFP from KEMI. Therefore, distribution of this RFP must be handled directly by KEMI. Any unauthorized contact with any KEMI staff other than as specified above may disqualify the Offeror from further consideration.

IV. GENERAL INFORMATION

A. Background

KEMI was created in 1994 by the Kentucky General Assembly to provide workers' compensation insurance to Kentucky employers. KEMI is Kentucky's largest writer of workers' compensation insurance with its headquarters located in Lexington, Kentucky. For additional information about KEMI, please visit www.kemi.com.

B. Discussions with Offeror

Discussions may be conducted with all responsible Offerors who submit proposals and are determined to be reasonably qualified and susceptible of being selected for award. Discussions may be for the purpose of clarification to assure full understanding of, and conformance to, the proposal requirements; however, Offerors will not be permitted to change their original proposal. Offeror should clearly understand that any verbal representations made or assumed to be made during any oral discussion held between Offeror and KEMI are not binding.

KEMI may require Offerors among the top scoring proposals to participate in an interview. See aforementioned Schedule of Events. The principal contact for KEMI will be required to participate in the interview.

C. Proposal Modifications

Any changes, amendments or modifications to a proposal after it has been submitted must be made prior to the deadline for receipt of proposals, must be in writing, and must be submitted in the same manner as the original proposal.

Proposals or modifications received by KEMI after the exact hour and date specified shall not be considered.

D. Confidentiality



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Matters relating to this RFP and any resulting contracts shall not be discussed with anyone other than KEMI staff without the prior written consent of KEMI. No opinions, reports, summaries, letters, or other documents prepared with respect to the RFP shall be released without approval of KEMI, except as required by state or federal law.

Except as required by law, information furnished by any Offeror in response to this RFP will not be disclosed by KEMI without the prior written consent of the Offeror.

E. Reservation of Rights

KEMI reserves the right to:

- I. Reject any or all proposals and waive any requirement, informality, or condition of proposals.
- II. Cancel the RFP and not award the RFP.
- III. Prohibit sub-contractors of the Offeror from performing any of the Services outlined in this RFP without the prior written consent of KEMI.
- IV. Categorize Offeror as an independent contractor, denying any employee/employer relationship between KEMI and Offeror.
- V. Approve the time and format of payment for the Offeror(s). KEMI will audit fees for reasonableness and accuracy.
- VI. Add items or services within the scope of the resultant contract if mutually agreeable by both the Offeror and KEMI.
- VII. Amend this RFP. Any amendment or information provided to a prospective Offeror will be provided to all prospective Offerors. If necessary, an RFP based on revised specifications will be issued as promptly as possible.
- VIII. Perform services in-house, or to contract with another company to perform like services.
- IX. Require a contract with the winning Offeror(s). Contract negotiations will commence at the conclusion of the RFP process.

F. Type of Contract

Contracts entered into as a result of this RFP will be Personal Service Contracts pursuant to KEMI's procurement policy, and a Personal Service Contract will be filed with the Commonwealth of Kentucky Legislative Government Contract Review Committee. The personal service contract template is available on the KEMI RFP Website.

G. Registration with the Kentucky Secretary of State

By responding to this RFP, the Offeror agrees and acknowledges that:

1. If the Offeror is a foreign entity as defined under Kentucky Revised Statute (KRS) 14A.1-070(10), and it is awarded a contract, it will ensure that it is properly registered with the Kentucky Secretary



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of State in accordance with KRS 14A.9-010 during the life of any contract awarded, or otherwise document the legal exemption which applies.

2. If the Offeror is a Kentucky entity as defined under KRS 14A.1-070(7), and it is awarded a contract, it will ensure that it is properly registered with the Kentucky Secretary of State in accordance with KRS Chapter 14A, or otherwise document the legal exemption which applies.

The aforementioned information shall be maintained during the life of any contract awarded and provided to KEMI upon request.

H. Protest

Any offeror who is aggrieved in connection with the solicitation or award of a contract may file a written protest to KEMI's Internal Auditor within fourteen (14) calendar days after such aggrieved offeror knows or should have known of the facts giving rise to the protest.

Patrick Simpson
psimpson@kemi.com



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OFFEROR INFORMATION:

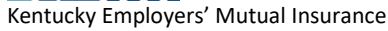
IMPORTANT: SUBMISSION MUST CONTAIN ORIGINAL SIGNATURE

Signed by: _____
Date: _____
Type or Print Name: _____
Company: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone No. _____ (Area Code) _____
Fax No. _____ (Area Code) _____
Email Address: _____
Company Website: _____
Federal ID or SSN # _____
Type of ownership: _____ Individual _____ Sole Proprietorship
_____ Corporation _____ Partnership

In addition to the principal contact listed above, please include below any additional contacts you would like to receive communication regarding the RFP. KEMI will only send communication regarding the RFP to the principal contact and the contact(s) listed below. The information includes, but is not limited to, KEMI's responses to inquiries, status updates about the RFP, any modifications to the RFP, requests for interview scheduling, etc.

Contact Name(s) for RFP Communication:

Contact Email(s) for RFP Communication:



Sworn Statement Regarding Campaign Finance Laws:
Pursuant to KRS 45A.110 and KRS 45A.115

The undersigned hereby swears or affirms, under penalty prescribed by law for perjury, that neither he/she, individually, nor, to the best of his/her knowledge and belief, the corporation, partnership, or other business entity which he/she represents in connection with this procurement, has knowingly violated any provisions of the campaign finance laws of the Commonwealth of Kentucky, and that the award of a contract to him/her, individually, or to the corporation, partnership or other business entity which he/she represents, will not violate any campaign finance laws of the Commonwealth.

(Signature)

(Title)

(Name of Company or Corporation)

State of _____)
County of _____) SS

The foregoing statement was acknowledged and sworn on before me this _____ day
of _____, _____.

Notary Public

My Commission expires: _____.



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MANDATORY REQUIREMENTS:

IMPORTANT: SUBMISSION MUST CONTAIN ORIGINAL SIGNATURE.

OFFERORS MUST MAKE AN AFFIRMATIVE STATEMENT THAT THE PROPOSED SERVICES MEET THE FOLLOWING REQUIREMENTS. THESE REQUIREMENTS ARE MANDATORY, AND NO SUBSTITUTIONS WILL BE PERMITTED.

1. Offeror will comply with the attached Outside Counsel Guidelines.
2. Except as noted below, KEMI pays \$150/hour for work completed by attorneys and \$60/hour for work completed by paralegals. Subject to approval by the Commonwealth of Kentucky, for Federal Black Lung defense KEMI anticipates paying \$175/hour for work completed by attorneys and \$60/hour for work completed by paralegals.

The undersigned hereby affirms the above statements are accurate, understanding that any violation of the validity of the above statements will result in the dismissal of Proposal.

OFFEROR

(Signature)

(Title)

(Name of Company or Corporation)



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PROPOSAL SUBMISSION CHECKLIST

The vendor **MUST** include the following with the proposal submission.
If the items below are not submitted with the proposal submission,
KEMI will reject the proposal and the Offeror will be disqualified.

☐ **SIGNED OFFEROR INFORMATION FORM**

☐ **SIGNED AND NOTARIZED SWORN STATEMENT REGARDING CAMPAIGN FINANCE LAWS**

☐ **SIGNED MANDATORY REQUIREMENTS STATEMENT**

☐ **COMPLETED BUSINESS CONTINUITY FORM**

☐ **ORIGINAL COPY OF THE PROPOSAL**
(prepared in accordance with the Specifications and Requirements described in this RFP)